

REMARKS/ARGUMENTS

The Examiner is requiring restriction under 35 U.S.C. 121 between the following groups:

Group I: Claims 1-7, drawn to an entangled nonwoven composite fabric; and
Group II: Claims 8-10, drawn to a method of making an entangled nonwoven fabric.

Applicants elect Group I, Claims 1-7, drawn to an entangled nonwoven composite fabric with traverse.

Restriction is only proper if the claims of the restricted groups are independent or patentably distinct and there would be a serious burden placed on the Examiner if the restriction is not required (M.P.E.P. §803). The burden of proof is on the Examiner to provide reasons and/or examples to support any conclusion in regard to patentable distinction (M.P.E.P. §803).

Applicants respectfully traverse the restriction requirement on the grounds that the Examiner has not carried the burden of providing any reasons and/or examples to support her conclusion that the claims of the restricted groups are patentably distinct.

The Examiner has categorized the relationship between Groups I and II as related process and the process of making the product. The inventions are distinct if either or both of the following can be shown:

1. That the process as claimed can be used to make other and materially different product; or
2. That the product as claimed can be made by another and materially different process (M.P.E.P. §806.05(f)).

The Examiner alleges that the product of the instant case can be made by

“producing a layered dry-layed web comprising two different types of fibers and then entangling the web instead of making two separate tri-layed webs and applying the first web to the second web and then hydroentangling the two webs together.”

Applicants traverse the Examiner’s assertion that the claimed product can be made by a process as the Examiner alleges. Applicant is claiming a suede-finished leather-like sheet having both a soft feel comparable to that of natural leathers and sufficient mechanical properties, particularly a high shape stability and tear strength simultaneously (see specification page 2, lines 13-16).

These advantages are attained by the process which Applicant is claiming: i.e., forming two distinctive webs 1 and 2 followed by entangling webs 1 and 2 to form a web entangled non-woven fabric and then impregnating a solution or dispersion of a polymeric elastomer into the fiber entangled non-woven fabric. Applicants improved product is only achieved through the technology employed by Applicants claimed process. Furthermore, it is only speculative that the suede-leather sheets with superior properties can be made by a layered dry laid web of two different types of fiber as the Examiner is alleging.

Accordingly and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain this restriction requirement and withdrawal of this requirement is respectfully requested.

Application No. 10/772,264
Reply to Office Action of December 6, 2005

This application is now in condition for examination on the merits and early
notification of such action is earnestly solicited.

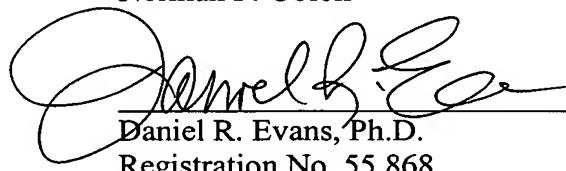
Respectfully submitted,

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